

AMENDED IN SENATE APRIL 18, 2016

SENATE BILL

No. 1415

Introduced by Senator Bates

February 19, 2016

An act to add Section ~~21080.06~~ *21083.10* to the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 1415, as amended, Bates. California Environmental Quality Act: *local water projects: exemption: scoping meetings.*

The California Environmental Quality Act (~~CEQA~~) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. ~~CEQA~~ *The act* also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. ~~CEQA exempts certain projects from its requirements.~~ *The act requires the lead agency to call at least one scoping meeting for transportation-related projects and projects of statewide, regional, or areawide significance.*

~~The California Emergency Services Act authorizes the Governor, during a state of emergency, to issue a proclamation of a state of emergency and to suspend any regulatory statute where the Governor determines and declares that strict compliance with the statute would prevent, hinder, or delay the mitigation of the effects of the emergency.~~

~~This bill would exempt from the requirements of CEQA drought-oriented projects, as specified, proposed by one or more public agencies, or a combination of public agencies and private organizations, that have the purpose of mitigating drought conditions for which a state of emergency has been declared by the Governor pursuant to the California Emergency Services Act.~~

This bill would require a lead agency to call at least one scoping meeting to receive public comments for local projects for stormwater or dry weather runoff capture and reuse, water recycling, or wastewater treatment to improve water quality. Because a local lead agency would be required to conduct at least one scoping meeting, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 21083.10 is added to the Public Resources
- 2 Code, to read:
- 3 21083.10. (a) Notwithstanding Section 21080.4 or 21153, a
- 4 lead agency shall call at least one scoping meeting to receive
- 5 public comments for any of the following:
- 6 (1) Local stormwater or dry weather runoff capture and reuse
- 7 projects.
- 8 (2) Local water recycling projects.
- 9 (3) Local wastewater treatment projects to improve water
- 10 quality.
- 11 (b) The lead agency shall provide notice of the scoping meeting
- 12 by publication in no fewer times than required by Section 6061 of
- 13 the Government Code in a newspaper of general circulation in the
- 14 area affected by the proposed project. If more than one area will
- 15 be affected by the proposed project, the notice shall be published
- 16 in the newspaper of largest circulation from among the newspapers
- 17 of general circulation in those areas.

(c) A scoping meeting that is held in an area affected by the proposed project pursuant to the federal National Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.) and the regulations adopted pursuant to that act shall be deemed to satisfy the requirement of this section if the lead agency provides the notice required pursuant to subdivision (b).

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

SECTION 1. ~~Section 21080.06 is added to the Public Resources Code, to read:~~

~~21080.06. (a) This division shall not apply to a project that meets both of the following:~~

~~(1) The project is proposed by one or more public agencies, or a combination of public agencies and private organizations, for the purpose of mitigating drought conditions for which a state of emergency has been declared by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.~~

~~(2) The project is a drought-oriented project, primarily intended to provide, or preserve and maintain, any of the following:~~

~~(A) The storage capacity of water, to any degree or quality.~~

~~(B) The new, increased, or preserved production of water, to any degree or quality.~~

~~(C) The treatment of water, to any degree or quality.~~

~~(b) A project that is exempt under this section, and that has commenced, in any form or to any degree, including, but not limited to, any planning or engineering before actual construction, operation, or implementation, shall remain exempt regardless of whether the state of emergency has ended.~~

~~(c) For purposes of this section, the term "drought-oriented project" shall be liberally construed, without numerically defined thresholds, but with the intent of allowing for the most timely and beneficial use of water resources, including the capture and management of stormwater and the safe and sanitary reclamation, delivery, and reuse of consumed potable water. The Legislature recognizes that different quality of water is appropriate for different~~

1 ~~end uses of the reclaimed water, and finds that it is critical to~~
2 ~~ensure, as immediately as possible, the availability of reclaimed~~
3 ~~water to decrease the demand on potable water.~~

4 ~~(d) The application of this section to a project shall not be~~
5 ~~combined with a non-drought-oriented project in an attempt to~~
6 ~~make the totality of the combined project exempt from this~~
7 ~~division. The separation of elements of a larger project, for~~
8 ~~purposes of timely advancing a project pursuant to this section,~~
9 ~~shall not be deemed to be in violation of the Public Contract Code.~~